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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/786,492             | BICKER ET AL.       |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Tamiko D. Bellamy      | 2856                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/25/04.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 5/25/04 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☒ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/12/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION*****Allowable Subject Matter***

1. Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance:

Re to claim 1, the independent claim includes " interrupting the gas volume flow by closing the capillary over an entire cross section " in combination with the remaining claim limitation is not taught and/or made obvious by the prior art. As noted Bicker (DE10022863) teaches a gaseous volume flow that is fed into a solution via a capillary (4). However, Bicker (DE10022863) does not teach interrupting the gas volume flow by **closing the capillary over an entire cross section.** As noted Dietrich (DE10110213) teaches using a capillary tube to determine the surface tension of a liquid. However, Dietrich (DE10110213) does not teach interrupting the gas volume flow by **closing the capillary over an entire cross section.** As noted Heyer et al. (DE19819555) teaches using a capillary tube (3) to determine the surface tension of a liquid. However, Heyer et al. (DE19819555) does not teach interrupting the gas volume flow by **closing the capillary over an entire cross section.** Gerits teaches a gaseous volume flow that is fed into a solution via a capillary (2). However, Gerits does not teach interrupting the gas volume flow by **closing the capillary over an entire cross section.**

Re to claim 3, the independent claim includes " a closing device being movable from a measuring position to a locking position " in combination with the remaining claim limitation is not taught and/or made obvious by the prior art. As noted Bicker (DE10022863) teaches a gaseous volume flow that is fed into a solution via a capillary

- (4). However, Bicker (DE10022863) does not teach a closing device being movable from a measuring position to a locking position. As noted Dietrich (DE10110213) teaches using a capillary tube to determine the surface tension of a liquid. However, Dietrich (DE10110213) does not teach a closing device being movable from a measuring position to a locking position. As noted Heyer et al. (DE19819555) teaches using a capillary tube (3) to determine the surface tension of a liquid. However, Heyer et al. (DE19819555) does not teach a closing device being movable from a measuring position to a locking position. Gerits teaches a gaseous volume flow that is fed into a solution via a capillary (2). However, Gerits does not a closing device being movable from a measuring position to a locking position.
2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 6:30 AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

January 31, 2005



HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800